IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 16313 of 2007(P)

PETITIONER:

JOSEPH PURAVAKKATTU, AGED 56 YEARS,
S/O.LATE THOMAS, PURAVAKKATTU HOUSE,
OTTALLOOR P.O., THODUPUZHA.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE SECRETARY,
CO-OPERATIVE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SPECIAL SALE OFFICER,
THODUPUZHA PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.,
NO.4388, THODUPUZHA.

3. THODUPUZHA PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.,
THODUPUZHA.

4. FARMERS DEBT RELIEF COMMISSION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.BABY
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 16313 OF 2007

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Dated this the 20th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P1 sale notice and seeks a direction to respondents 2 and 3 not to proceed further pursuant to Ext.P1 notice. Petitioner availed a loan which is not repaid. Recovery steps were taken.

2. Counter affidavit is filed, therein it is interalia stated that even though benefits were extended to the petitioner, he did not comply with order made by the bank. It is also stated that petitioner has approached the fourth respondent Commission and the Farmers Debts Relief Commission has issued an interim order directing the Bank and the Special Sale Officer to keep in abeyance the recovery proceedings initiated against the petitioner.

I heard learned counsel for the parties. Learned counsel for the respondents contends that Commission does not have jurisdiction in the matter with regard to the loan granted by the

Co-operative Bank. Counsel for the petitioner submits that as the matter is seized of by the Commission apparently on the basis of Ext.P2, no further orders are necessary from this court. Leaving it open to the parties to raise their contentions before the fourth respondent, writ petition is closed.

(K.M.JOSEPH, JUDGE)

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